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43 UNITED STATES DISTRICT COURT

44 DISTRICT OF NEVADA

45 ORACLE USA, INC.; a Colorado corporation;  
46 ORACLE AMERICA, INC.; a Delaware  
47 corporation; and ORACLE INTERNATIONAL  
48 CORPORATION, a California corporation,

49 Plaintiffs,

50 v.

51 RIMINI STREET, INC., a Nevada corporation;  
52 and SETH RAVIN, an individual,

53 Defendants.

54 **Case No. 2:10-cv-0106-LRH-VCF**

55 **MOTION TO SEAL PORTIONS OF**  
56 **ORACLE'S REPLY ISO MOTION**  
57 **TO COMPEL RE POST-**  
58 **INJUNCTION DISCOVERY AND**  
59 **EXHIBITS TO THE**  
60 **DECLARATION OF LINDSEY M.**  
61 **SHINN**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), Local Rule 10-5(b), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court order the Clerk of the Court to file under seal in their entirety Exhibits 1-4 to the Declaration of Lindsey M. Shinn (“Shinn Declaration”), filed in support of Oracle’s Reply ISO Motion to Compel re Post-Injunction Discovery (“Reply”); portions of the Reply discussing the contents of those exhibits; and portions of the Reply discussing other material designated as “Confidential Information” or “Highly Confidential Information – Attorneys’ Eyes Only” or consisting of non-public, technologically and commercially sensitive information or information. Public, redacted versions of the Reply and Exhibits 1-4 were filed on December 20, 2019, *see* ECF No. 1300. Unredacted versions of these documents will be filed under seal with the Court and linked to the filing of this Motion. “[G]ood cause” suffices to warrant preserving the secrecy of sealed discovery material attached to nondispositive motions.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2.

Certain redacted portions of Oracle’s Reply and the entirety of Exhibits 1-4 to the Shinn Declaration reflect information that Rimini Street, Inc. (“Rimini”) has designated “Confidential” or “Highly Confidential - Attorneys’ Eyes Only” under the Protective Order. Other redacted portions of Oracle’s Reply reflect information drawn from additional sources designated by

Rimini under the Protective Order in *Rimini II*. Oracle submits these documents under seal pursuant to the Protective Order based on Rimini's representation that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations. Rimini has designated Exhibits 1-4 to the Shinn Declaration as "Highly Confidential Information – Attorneys' Eyes Only," and thus represents that those documents are subject to protection under Federal Rule of Civil Procedure 26(c) and should be filed under seal. Because the material was designated by Rimini, Oracle is not in a position to provide further justification for why filing the documents publicly would cause Rimini harm sufficient to show good cause.

Oracle has submitted all other portions of the Reply, Shinn Declaration, and Exhibit 5 for filing in the Court's public files, which will allow public access to all materials except for the portions discussed above. Accordingly, this request to seal is narrowly tailored.

For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file under seal the documents discussed above.

DATED: December 20, 2019

## MORGAN, LEWIS & BOCKIUS LLP

By: \_\_\_\_\_ /s/ John A. Polito  
John A. Polito

Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of December, 2019, I electronically transmitted the foregoing **MOTION TO SEAL PORTIONS OF ORACLE'S REPLY ISO MOTION TO COMPEL RE POST-INJUNCTION DISCOVERY AND EXHIBITS TO THE DECLARATION OF LINDSEY M. SHINN** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

MORGAN, LEWIS & BOCKIUS LLP

DATED: December 20, 2019

By: \_\_\_\_\_ /s/ John A. Polito  
John A. Polito

Attorneys for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation

## CERTIFICATE OF SERVICE